

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES SMALL BUSINESS  
ADMINISTRATION, in its capacity as  
Receiver for Rocket Ventures II SMIC, L.P.,

No. C 10-04425 JSW

Plaintiff,

v.

ROCKET VENTURES II, L.P., et al.,

Defendants.

**ORDER (1) ADOPTING REPORT  
AND RECOMMENDATION ON  
PLAINTIFF'S MOTIONS FOR  
DEFAULT JUDGMENT, (2)  
REQUIRING STATUS REPORT,  
AND (3) CONTINUING DATES**

**(Docket Nos. 126-133, 139-140)**

This matter comes before the Court upon consideration of the Report and Recommendation ("Report") prepared by Magistrate Judge Spero (Docket No. 158), in which he recommends that the Court deny Plaintiff's motions for default judgment (Docket Nos. 126-133, 139-140) without prejudice to renewal at the conclusion of the case on the merits. The deadline for filing objections to the Report has passed, and neither party has filed objections. The Court has considered the Report, relevant legal authority, and the record in this case. The Court finds the Report thorough and well reasoned and adopts it in every respect. Accordingly, the Court DENIES Plaintiff's motions for default judgment without prejudice to renewal at the conclusion of the case on the merits.

On January 3, 2013, the Court reserved ruling on the French and Italian Defendants' motion to dismiss with respect to Michele Liberato ("Liberato") regarding sufficiency of service. On March 28, 2013, Plaintiff filed a supplemental brief and supporting declaration,

1 attesting to efforts to personally serve Liberato. Plaintiff stated that it would file the appropriate  
2 return of service as soon as it was received. To date, Plaintiff has not yet filed a return of  
3 service as to Liberato. The Court HEREBY ORDERS Plaintiff to file a status report regarding  
4 Liberato by no later than September 17, 2013. Liberato may file a response by no later than  
5 September 23, 2013.

6 The Court FURTHER ORDERS that the pretrial conference and trial in this action are  
7 CONTINUED to November 12, 2013 at 1:30 p.m.. and December 9, 2013 at 8:00 a.m.,  
8 respectively.

9 **IT IS SO ORDERED.**

10  
11 Dated: September 10, 2013



JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE  
by HONORABLE SUSAN ILLSTON